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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 CHARTIS SPECIALTY INSURANCE
9 COMPANY f/k/a AMERICAN
10 INTERNATIONAL SPECIALY LINES
INSURANCE COMPANY,

11 Plaintiff,

12 v.

13 APCO CONSTRUCITON, *et al.*,

14 Defendants.

Case No. 2:13-cv-00361-APG-NJK

**Order Denying Emergency Motion for
Relief**

15 On July 10, 2013, defendant M&H Enterprises, Inc. dba Martin-Harris
16 Construction ("Martin-Harris") filed the present emergency motion (Dkt. #61) requesting
17 a stay or postponement of the briefing on the motion for partial summary judgment filed
18 by Plaintiff Chartis Specialty Insurance Company ("Chartis") (Dkt. #58). In essence,
19 Martin-Harris seeks to avoid filing an opposition to Chartis' motion for partial summary
20 judgment. The reasons set forth in the emergency motion do not justify staying the
21 briefing schedule.

22 No rule prohibits Chartis from filing a motion for summary judgment (partial or,
23 total) in the early stages of this case. To the extent Martin-Harris believes the arguments
24 asserted in its own pending motions to dismiss will defeat Chartis' claims, then those
25 arguments can be asserted in opposition to Chartis' motion for partial summary
26 judgment. If Martin-Harris believes it needs to conduct discovery in order to respond to
27 Chartis' motion, it can seek relief under Fed.R.Civ.P. 56(d), either in its response to the
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1 motion or by separate motion. But such a request must include "specified reasons" why
2 it cannot otherwise present facts that are essential to its response to the motion. Martin-
3 Harris' present emergency motion does not contain such specificity; nor does it contain
4 an affidavit or declaration that complies with Rule 56(d).

5 Accordingly, Martin-Harris' emergency motion (Dkt. #61) is denied.

6 Dated: July 12, 2013

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ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE